

HISTORIC PRESERVATION COMMISSION

Minutes

September 14, 2006

Salisbury, North Carolina

The Historic Preservation Commission for the City of Salisbury met in regular session on Thursday, September 14, 2006, in the Council Chambers at the City Hall, 217 S. Main Street.

The meeting was called to order by the Chairman, Michael Young.

In addition to Michael Young, the following members were present: Jack Errante, Ronald Fleming, Susan Hurt, Anne Lyles, Wayne Whitman

Absent: Raemi Evans

Michael Young welcomed all persons present and read the purpose and procedure for the meeting.

Requests for Certificates of Appropriateness

H-48-04 220 N. Church St. - City of Salisbury, owner; Joe Morris, applicant

Request: Install granite marker in the area where the stones were removed from the Old English Cemetery's wall. Marker was placed due to a potentially hazardous grade change and as a means to make it evident that the opening is not original in accordance with Secretary of Interior's Standards.

Joe Morris was sworn to give testimony for the request.

Mr. Morris informed the Commission that the sub-committee met on site prior to the present meeting and would probably have input as well.

As slides were presented by staff, Mr. Morris began his testimony by pointing out the granite marker which was installed at the footing of the 1855 wall between the Old English Cemetery and the Freedman Cemetery, and the stone which was a part of the construction of the Oak Grove Freedman's Memorial which was dedicated in January.

He then referred Commission members to a letter dated June 16, 2006 from the State Historic Preservation Office, which stated in part – *"It does not appear that the installation of the markers has had an adverse effect on the historic district. The markers appear to be in compliance with the memorandum of agreement regarding the Freedman Cemetery Memorial."* In addition it stated that *"the above comments were made pursuant to Sect. 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's Regulations for Compliance with Sect. 106 codified at 36 CFR Part 800."*

Mr. Morris stated that the letter is documentation that provides evidence that the installation of the marker is consistent with the Secretary of Interior Standards.

He cited the following standards associated with the Salisbury Historic District:
Guideline #9 – new work shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale, and proportion and massing to protect the integrity of the property and its environment.

Mr. Morris said, “This stone clearly meets all of those criteria.”

He testified that the granite rock which covers the site, other than the green spaces, is Rowan County granite. He stated that it was purposely selected as a finish material to differentiate it from the original materials in order to be in compliance with the Secretary of Interior Standards.

Mr. Morris ended his testimony by requesting that the Commission focus on the standards previously read when making their decision.

Public Hearing

Clyde Overcash, 224 E. Bank St., was sworn to speak in opposition to the request.

Mr. Overcash stated that in his opinion

- The wall has been damaged not preserved.
- The wording on the stone further separates the sites
- The grade has been farther made dangerous by the inclusion of the stone.

Luther Sowers, 5050 Statesville Blvd., was sworn to speak in opposition to the request.

Mr. Sowers informed the Commission that he had attended the on-site meeting and looked at the site. He stated that it was the consensus of himself and others that the stone should be located where it can be read from either the English Cemetery side or the Freedman Cemetery side, which cannot be done at its present location. He said the problem, in his opinion, is not the stone, but its position.

With no one else present to speak in opposition, Michael Young closed the public hearing.

Janet Gapen informed the Commission that the purpose of the hearing today is to determine whether this part of the project, as it was completed, is compatible and consistent with the standards and guidelines. She said it would be inappropriate to consider any changes.

Commission's Deliberation

In response to Susan Hurt who asked what the site looked like before the plaque was put in, Joe Morris stated that it was not stable at all, and did not provide any kind of footing.

Anne Lyles asked who made the decision to put the granite marker where it is currently located.

Joe Morris said it was a field decision made on site after consultation between himself and the artist, along with other members of the Freedman Memorial Committee, under the belief that they were making a decision that would help with the safety aspect of the threshold between the cemeteries. The text was then submitted to the Committee for review.

Mr. Morris also noted that specific COAs were not requested for every stone in the wall on Liberty Street, but rather an overall approval for the entire site.

Mr. Morris responded “Yes” when asked by Susan Hurt if she was correct in her assumption that the plaque was put in for 2 purposes – One, to repair the threshold, and the other to do the interpretation. She commented that using the one guideline for both seemed to have created a problem.

Joe Morris reminded Commission members that the recommendation from the State Historic Preservation Office is that the marker does not have an adverse impact.

In response to Susan Hurt’s question to the committee who visited the site (Jack, Errante, Anne Lyles and Wayne Whitman) “*Did it look compatible*”, Anne Lyles said, “*It did look compatible.*” Mr. Errante said, “*Granite stone appeared not to be disliked by anyone in particular.*” He said most of the discussion on site had to do with its location and the wording.

When Susan Hurt asked if there was any feedback from the Freedman Committee, Joe Morris informed the Commission that the Committee was not invited to attend the HPC meeting as was thought. He said, “I think that the Commission needs to focus on compatibility with the Secretary of Interior Standards.” He continued by stating that if the Commission deems that it is incompatible with the standards then his step would be the Zoning Board of Adjustment for review and dependent upon their decision, to Supreme Court. He said at that time is when the Committee would be asked to get involved.

Wayne Whitman read the following guidelines from the Secretary of Interior’s Standards, which he stated had not been followed:

4. *Changes to a property that have acquired historic significance in their own right shall be retained and preserved.*
6. *Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and, where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.*
9. *New additions, exterior alterations, or related new construction shall not destroy historic materials.....*

Mr. Whitman and Susan Hurt commented that the space was widened in order to put the pink stone in. Susan Hurt said, “They should have come here before the work was done for a Certificate of Appropriateness.”

Joe Morris explained to the Commission that when the wall was opened and the stones removed, there were broken pieces of cement left. The cement had been placed under the wall at some point (probably the 50’s or 60’s) for support. The marker, he continued, was cut specifically to fit in the space where the insufficient remaining material was located. He said, “There was no alteration to the stone whatsoever.”

In response to Ron Fleming who asked, “what about the over-lapping between the 2 cemeteries, Joe Morris said that he would suggest that it is one cemetery with different treatments to it.

Mr. Fleming also asked why the stone was not aligned with the wall that was removed.

Joe Morris stated that the idea was to provide differentiation. He said the text needed to be a size eligible from standing position.

Jack Errante stated that when the committee met on site, they were asked if it would be acceptable if the stone was moved and placed in the Freedman Cemetery, and the majority said it would. He said the concern is that it was placed protruding into the Old English Cemetery.

Michael Young made the closing comments. He stated that there is more than one way to meet the guidelines, and though most object to the way the guidelines were met, they do meet the guidelines. He said, “I think we have spent enough time debating this.” He then called for the motion.

Motion

Susan Hurt made the motion as follows: “I move that the Commission find the following facts concerning Application #H-48-04 – that Joe Morris, applicant for the City of Salisbury, owner of 220 N. Church St., appeared before the Commission and sought a Certificate of Appropriateness to approve prior installation of a granite marker in the area where the stones were removed from the Old English Cemetery wall; that no one appeared to support the request, that Clyde Overcash and Luther Sowers appeared to oppose this request; this request should be granted based on The Interior Standards for Rehabilitation; specifically, Standard #9; there were no mitigating factors; therefore, I further move that a Certificate of Appropriateness for Application #H-48-04 be granted to Joe Morris, applicant for the City of Salisbury, owner of 220 N. Church St.”

Jack Errante seconded the motion. Commission members Fleming, Hurt, Lyles, and Young voted AYE. Commission member Whitman voted NO.

H-38-06 100 Blocks E. Fisher & S. Lee St.; part of 200 Blk. E. Fisher St.

City of Salisbury, owner; Lynn Raker, applicant

Request: Improvements to streetscape, including but not limited to new brick pavers sidewalks, new pedestrian lighting, curb realignment, restoration of brick street, addition of small corner plaza, etc.

Michael Young reminded the Commission that the request was before them again because of notification problems last month.

Lynn Raker was sworn to give testimony for the request.

Ms. Gapen reminded Ms. Raker that there may be property owners present at this meeting that were not last month so it would be a good idea to present the entire proposal again.

As staff presented slides Ms. Raker began her presentation beginning with the 100 block E. Fisher where the most changes would occur and the 100 block S. Lee St.

Ms. Raker informed the Commission that staff met with property owners on July 29, 2005 to present the proposed plans. At that meeting, she stated, there were some priorities made by the property owners present which included (1) make the block unique, (2) provide 2-way traffic flow. Following the meeting she said, all property owners, whether present at the meeting or not, received minutes from the meeting and no further comments were received from any of the owners.

Ms. Raker presented the following proposal (100 Block):

- 2-way traffic flow with parking that shifts
- 15 parking spaces (currently 28)
- Street will be narrowed to approximately 30 ½ ft. (currently 33 ft. wide) causing the sidewalk on the north side to gain 2 ½ ft.
- Asphalt will be removed to expose the existing brick underneath,
- Removable bollards at each end of the block so that the street can be closed down when necessary for special events (as requested by the property owners).
- Brick sidewalks – brick color will be determined after the asphalt is removed. brick will be lifted and reset; the elevation will be adjusted as needed.
- Decorative lighting with tear drop luminary.
- Pole: same base style to poles previously used in other streetscape approvals except base size will be minimized to fit the narrow sidewalks; 16' tall with tear drop style light; dark green.
- Brick crosswalks at each intersection; brick
- Replacement driveways, stamped and concrete
- Granite pavement in the area for the parking on each side of the street; brick in the travel lanes

200 block of E. Fisher St. (Plaza parking area at corner)

- Additional parking will be added for the 13 spaces lost in the 100 block (Also, a number of spaces have been added in the past year by re-striping on the 100 & 200 block S. Lee.)
- Park (Square) will be brick paving with some granite accents
- Planter areas
- Lighted
- Asphalt parking area
- Landscaping

100 Block S. Lee

- Brick sidewalk
- Decorative pedestrian lighting (same as on Liberty St., and Council St.)
- Existing driveways to be replaced, narrowed to meet the standard driveway width
- Granite curbs

In response to a question from Wayne Whitman, who asked how the brick would be saved, Mrs. Raker said all the brick would be taken up after the asphalt is removed and stored and then relaid. She said, "I can assure you that every usable brick will be saved."

Michael Young referred Commission members to the submitted letter from the State Historic Preservation Office relative to the brick and lighting choices, which he read. The letter stated in part "*We have received the plans..... It appears that this project will not adversely affect the National Register-listed historic districts.*"

Jack Errante inquired if the sale of the corner lot where additional parking is proposed was still a possibility, Ms. Raker stated that there was a point when the sale of the corner lot was considered; however, at this time there are no plans to do so. She assured the Commission that adequate parking would be included in whatever is done.

Slides were shown as Ms. Raker described the area as basically a square pocket park plaza, mostly paved, some plantings, and a place for future public art.

She testified that the paving materials would be brick with granite in the center area. There are 14 parking spaces, which would offset any reduction of parking in the 100 block. . She said there would still be parking and possible more of it but in a different configuration.

Ms. Raker testified that the decorative pedestrian lighting is more appropriate for the era of the buildings on the street and is not persistent with the gas lighting style; also, provides a better disbursement of light. She also said that the decorative lighting better suits the desires of the poetry owners that they met with as well all that have seen it.

Ms. Raker said there would be a few trees on Lee St. that would need to be removed, but they are trees that are not too healthy. They will be replaced with some type shade tree, she said.

In response to Michael Young who asked if street furniture was a part of the project, Ms. Raker said if so she would need to come back for approval, as she would for any other changes or additions.

Public Hearing

Randy Hemann was sworn to speak in support of the request. He stated that there is no doubt that all areas of the project meet the Secretary of Interior Standards, the Historic District Guidelines and reflects well on the general character of the area. He further noted that the plan is compatible with the Downtown Master Plan. The plan, he said, has been reviewed by the Downtown Salisbury, Inc. Board and passed a motion in support of it.

Joe Morris spoke in support of the plan as proposed. He said, “We think that this will be a great destination for folks coming into our town looking for places to dine and have entertainment in the evening.” He stated that the plan creates a dual purpose street – one that could serve the business purposes of the street during the day and then the ability to close the street off in the evening for outdoor activities right in the street.

Wendy Spry informed the Commission that she had received a call from Leo Wallace in support of the project.

Clyde Overcash spoke in opposition of the plan. He voiced his opinions pertaining to the proposed lighting, the need for garbage cans, and the quality of the art that will be allowed in the park.

Luther Sowers testified that he is not in opposition of the plan but would like for them to be aware that eventually the improvements may destroy the character of the surrounding areas.

Monica Poole, property owner at 121 E. Fisher St. was sworn in to speak. Ms. Poole informed the Commission that she does not oppose the plan but had questions. She asked about the placement of some of the spaces that would be eliminated.

Ms. Raker explained to the Commission that Ms. Poole currently has a drop-off space for her dry-cleaning customers. She testified that they do propose to retain a drop-off space for her business.

Ms. Poole was satisfied with Ms. Raker’s response and had no additional questions.

With no other persons present to speak, the Chair closed the public hearing.

Deliberation

Susan Hurt made comments pertaining to the choice of the lighting. She stated that if the proposed lighting meets the Design Guidelines then the Commission cannot suggest or require something different just because they think it would be more desirable.

She also made favorable comments pertaining to the turn-of-the-century entertainment commercial district.

Anne Lyles stated that the proposed lighting is important for the entertainment district. She said if an older vintage type lighting was used she does not think it would be enough light for a safe entertainment district.

Michael Young stated that although he does not agree with all the proposed changes they do meet the guidelines. He said, "I do think that this is going to enhance the area."

There being no other comments the Chair called for a motion.

Motion

Anne Lyles made the following motion: "I move that the Commission find the following facts concerning Application #H-38-06 – that Lynn Raker, applicant for the City of Salisbury, owner of 100 blocks E. Fisher St. and S. Lee St., and part of the 200 block E. Fisher St., appeared before the Commission and sought a Certificate of Appropriateness to make improvements to the streetscape, including but not limited to a new brick pavers sidewalk, new pedestrian lighting, curb realignment, restoration of brick street, addition of small corner plaza; that Randy Hemann and Joe Morris appeared before the Commission to support this request, that Clyde Overcash and Luther Sowers appeared to speak in opposition, and Monica Poole appeared to ask questions; this request should be granted based on The Secretary of Interior Standards for Rehabilitation, and Chapter 4 – Site Features and District Setting – Parking & Paving, pages 57, guidelines 1-6; Landscaping & Streetscape, page 59, guidelines 1-12; and Lighting, page 61, guidelines 1-6 of the Non-Residential Historic District Design Guidelines; therefore, I further move that a Certificate of Appropriateness for Application #H-38-06 be granted to Lynn Raker, applicant for the City of Salisbury, owner of 100 blocks E. Fisher St. and S. Lee St., and part of the 200 block E. Fisher St., to make the changes detailed in the application."

Ron Fleming seconded the motion; all members present voted AYE (Commission member Wayne Whitman chose not to vote though he did not abstain).

Michael Young asked Joe Morris to respond to Clyde Overcash's question pertaining to the vote of Commission members who are also adjoining property owners.

Joe Morris stated that since the members have fore-disclosed that they are owners of property in the area and will gain no direct financial benefit from the project, they are not precluded from voting on the matter.

Janet Gapen read Article X from the Rules of Procedure – Conflict of Interest.

H-39-06 126 E. Henderson St. – Gene Mitchell, owner

Request: (1) Install shutters on 4 front windows as before
(2) Install new back door
(2) Add patio on rear of house
(3) New driveway and parking area

Gene Mitchell was sworn to give testimony for the request.

Staff presented slides.

Mr. Mitchell testified that the back door has been removed and restructured as was approved for the front door at the last month's meeting.

He presented a picture of the proposed shutters that will be located on the 4 front windows of the house. He testified that the shutters will close completely over the windows and will be functional.

Mr. Mitchell also presented a picture to show the railing that will go around the existing concreted patio area in the rear yard.

The existing driveway, he stated, has been extended with gravel. In response to a question from the Chair, he said the driveway would remain gravel at this time, and he would come back for approval if he decides to put asphalt down.

From the slides, Wendy Spry pointed out a new door that had been cut in since Mr. Mitchell's appearance at the August meeting. Mr. Mitchell testified that it was new door which opened up to a dead space area that will now be used for lawn tools.

There was no one present to speak in support or opposition to the request.

Wayne Whitman made the motion as follows: "I move that the Commission find the following facts concerning Application #H-39-06 – that Gene Mitchell, owner of 126 E. Henderson St., appeared before the Commission and sought a Certificate of Appropriateness to install shutters on 4 front windows as before, install a new back door, add a patio on the rear of the house, and new driveway and parking area, reconstruct front damaged wood door, remove broken crank-out windows on back of addition and cover with shake to match existing shake, install 2 double-hung side-by-side wood windows; that no one appeared to support or oppose this request, this request should be granted based on The Secretary of Interior Standards for Rehabilitation, and Chapter 2 – Windows and Doors, pages 14-17, guidelines 1,2,4,5,6,11,14 and 15; Exterior Walls & Trim, pages 12-13, guidelines 1,2,3,5 and 6; Chapter 4 - Site Features and District Setting – Driveways & Offstreet Parking, pages 58-59, guidelines 1-5, 7 and 8; Landscaping, pages 60-61, guidelines 2,6,8 and 9 of the Residential Historic District Design Guidelines; there are no mitigating factors; therefore, I further move that a

Certificate of Appropriateness for Application #H-39-06 be granted to Gene Mitchell, owner of 126 E. Henderson St., to make the changes detailed in the application.”

Susan Hurt seconded the motion; all members present voted AYE.

H-40-06 131 N. Main St. (rear) – Richard R. Reamer & others, owner

Request: Repave parking lot including removal of broken concrete alley and replace with asphalt

James Randolph was sworn to give testimony for the request.

Staff presented slides.

Mr. Randolph informed the Commission that the existing parking lot is in need of repaving. He stated that there is a concrete alleyway that goes up the middle of the lot that is a hazard for drivers or pedestrians.

The proposal is to repave the entire parking lot with asphalt.

In response to a question from the Chair, Mr. Randolph testified that other than the first 2 parking spaces located on the left; they (the applicants) own the entire lot. However, the repaving would include those spaces as well. The lot, he said, would be striped.

From the slides he showed the exact area they will repave and an area that the city would pave.

Clyde Overcash, an adjoining property owner, spoke in support of the request.

Susan Hurt made the following motion: “I move that the Commission find the following facts concerning Application #H-41-06 – that James Randolph, owner of 131 N. Main St., appeared before the Commission and sought a Certificate of Appropriateness to repave the rear parking lot with asphalt, that Clyde Overcash appeared before the Commission to support this request, this request should be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 4 – Site Features & District Setting – Parking & Paving, pages 57-58, guideline 1 of the Non-Residential Design Guidelines; therefore, I further move that a Certificate of Appropriateness for Application #H-40-06 be granted to James Randolph, owner of 131 N. Main St., and others to make the changes detailed in the application.”

Wayne Whitman seconded the motion; all members present voted AYE.

H-41-06 202 N. Lee St. – SBJA, LLC, owner

Request: Façade improvements and addition of shading devices

Bill Monroe, project architect; Jake Alexander and Clay Lindsay, property owners, were sworn to give testimony for the request.

Staff presented slides as Mr. Monroe began his presentation.

He testified that the current entry to the building is off the parking lot located to the left of the building. However, they propose to put an entry on Council Street which will give the building presence to the downtown. He presented the Council Street elevation to show the location where the opening would be cut into the wall along Council Street. He further testified that the existing precast band would remain, the windows widened, and build in new precast sills. He presented a sample of a shading device that would be used over the windows.

Mr. Monroe stated that the new entry will be curtain wall. A sample of the anodized aluminum frame with blue glass which will be used for the entry was also shown. He informed the Commission that the entry from the parking lot would still remain and made similar to the new front entry with the blue glass and the shading device.

Although not included on the submitted application, Mr. Monroe requested approval to repave the existing parking lot. He noted that brick pavers already installed along Council Street and Lee Street as well as trees that already exist will be left in place and maintained.

In response to Michael Young's question regarding a curtain wall, Mr. Monroe explained that a curtain wall is a structural system of glass with mullions going from ground up to above the roof-line. He said the same glass and mullions as the windows will be used.

DRAC report: Janet Gapen informed the Commission that DRAC members had favorable comments about the project and that it did meet the intent of the guidelines. She stated that Jack Thomson suggested the addition of cast stone window sills, which they now propose to do.

Jack Errante asked if the Council St. entrance would be the principle door, to which Mr. Monroe responded "Yes." He further stated that Council Street is approximately 10" higher than the finished floor, so the entrance would be into an alcove, down a couple of steps and then into the front door.

Mr. Monroe testified that the brick would be cleaned but not pressure washed, in response to a question from Michael Young.

Public Hearing

Clyde Overcash spoke in opposition to the design.

Randy Hemann spoke in support of the project.

Deliberation

Susan Hurt recommended that the Commission use the guidelines found in “Changes to Buildings” rather than the “New Construction” guidelines since the basis that the changes being made are for the appearance of the building as it already exists.

Susan Hurt suggested that a statement for clarification be included in the motion regarding the shading for the windows due to the fact that the tinting was denied for the Firehouse Lofts.

Michael Young stated that the problem with tinting at the Firehouse Loft was that it was reflective glass and for only one unit. In this case, all of the windows would be the same.

Janet Gapen agreed that it would be appropriate to make a note in the motion.

Motion

Ron Fleming made the motion as follows: “I move that the Commission find the following facts concerning Application #H-41-06 – that Bill Monroe, agent for SBJA, LLC, owner of 202 N. Lee Street, appeared before the Commission and sought a Certificate of Appropriateness to make façade improvements; add shading devices; change the dimension of the windows; add cornice stone; add reflective glass (which is appropriate in this case because it is uniform is not reflective); that Clyde Overcash appeared to oppose the request, and Randy Hemann spoke in support of the request; that this request should be granted based on The Secretary Standards for Rehabilitation and Chapter 3 New Construction and Additions, pages 57-59, guidelines 1-10 of the Non-Residential Historic District Design Guidelines; there are no mitigating factors; therefore, I further move that a Certificate of Appropriateness for Application #H-41-06 be granted to Bill Monroe, representing SBJA, LLC owner of 202 N. Lee St. to make the changes detailed in the application.”

Jack Errante seconded the motion; all members present voted AYE.

Other Business

Request for rehearing: Application #H-34-06 – 510 S. Jackson St.

Michael Young referred Commission members to a letter submitted by Kathryn C. Setzer, Attorney at Law, from the firm of Doran, Shelby, Pethel, and Hudson, P.A. who is representing Mr. & Mrs. Michael Leary, owners of the address above.

Janet Gapen reminded the Commission of the request from Mr. & Mrs. Leary who requested that vinyl windows, installed without a Certificate of Appropriateness be allowed to remain.

Michael Young asked why the request would be coming back to the Commission rather than to the Zoning Board of Adjustment.

Wendy Spry explained that they were, in fact, prepared to go to the Zoning Board of Adjustment (ZBA) but had additional pictures that they wanted to present, as evidence, at the meeting. She then informed them that the only way to get that evidence in the record to be heard at ZBA was to go back before the Commission. Ms. Spry stated that in addition to the additional pictures, Ms. Setzer felt that precedence had been set when approval for the installation of vinyl windows was granted for 207 S. Ellis St at the same HPC meeting.

Michael Young stated that, in his opinion, they should either go to ZBA or back to the Commission again as a new case.

Janet Gapen read the following from the Commission's Rules of Procedure:

Application for a rehearing may be made in the same manner as provided for an original hearing. Evidence in support of the application shall initially be limited to that which is necessary to enable the Historic Preservation Commission to determine whether there has been a substantial change in the facts, evidence or conditions in the case. A rehearing shall be denied by the Historic Preservation Commission, if in its judgment there has been no substantial change in the facts, evidence or conditions in the case.

Susan Hurt stated that the request for the approval of vinyl from steel at 207 S. Ellis St. was a mistake. She said, "We shouldn't have done that." However, she continued, "precedence was not set for them to put in a whole house of vinyl windows."

Michael Young stated that if the Commission inadvertently approves something that did not follow the guidelines, it does not mean that the guidelines have been changed to allow it.

Anne Lyles stated that the fact that wood windows were changed to vinyl is the main thing.

Following the discussion of whether or not there was enough new evidence for a rehearing, Michael Young ruled that they did not. He said, "I think if they want to challenge our ruling they need to go to ZBA."

Wayne Whitman said, "I agree with you and make a motion not to rehear the case and send it to the Zoning Board of Adjustment."

Ron Fleming seconded the motion; all members present voted AYE.

Susan Hurt stated that someone from the Commission should be present when the case goes before the ZBA to clarify the precedence.

Michael Young agreed and stated that the city attorney should also be present to make sure the ZBA follows their own rules.

Changes and updates to the Rules of Procedure

Janet Gapen referred the members to an updated copy with the changes noted at the last month's meeting. She stated that if there are no suggested changes at this meeting, they would be able to vote at the October meeting.

Jack Errante questioned the following rules:

Article II:

- A. Election of Officers. A nominating Committee shall recommend the appointment of a Chairman and Vice-Chairman at the April meeting.

He asked if the number of persons on the committee needed to be specified; if so, should it be indicated.

Ms. Gapen said it is usually 3 people, and she would indicate it as such in the rule.

Article III. Meetings

- C. Committee Meetings. Committee shall consist of no more than 4 members.....

Mr. Errante asked if a Chair and Vice-Chair was needed.

Ms. Gapen suggested that there be a Chair and Vice-Chair for any committee. She will also indicate that in the rule.

- D. Quorum. A quorum shall consist of 5 members.

- G. Vote. Except as otherwise specified herein, the vote of the majority of those members present shall be sufficient to decide matters before the Commission provided there are at 3 affirmative votes.

He questioned whether it was understood that there still needed to be a quorum of 5. Members present did understand that there should always be a quorum of 5.

With no other changes, Ms. Gapen said she would make the noted changes and return them in the packet for next month's meeting.

Minor works: There were no questions of the August minor work approvals.

Anne Lyles reported a window air conditioner that is located in a house in the Brooklyn South Square District. Ms. Spry said she would contact the owner.

Susan Hurt questioned the painting of the old Duke Power building which Ms. Spry stated had been approved by the minor works committee.

Ms. Spry responded to Jack Errante's request for an explanation of the difference between staff and committee minor work approvals.

Minutes

The August minutes were approved upon a motion from Susan Hurt, seconded by Ron Fleming, and all members voting AYE.

Adjournment

There being no other business to come before the Commission, the meeting was adjourned.

Michael Young, Chair

Judy Jordan, Secretary